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Letter dated 17 May 2018 from the Permanent Representatives of Peru, Sweden and the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

Sweden and Peru, as Co-Chairs of the Informal Expert Group on Women and Peace and Security, and in close cooperation with the United Kingdom, hereby share a summary of the meeting held on 29 March 2018 on women and peace and security in Iraq (see annex).

We would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

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Permanent Representative of Peru
to the United Nations

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Informal Expert Group on Women and Peace and Security

Summary the meeting on Iraq, 29 March 2018

On 29 March, the Informal Expert Group on Women and Peace and Security held a meeting on women and peace and security in Iraq, as a follow-up to the meeting held in June 2017 (see S/2017/624). The members received a briefing from the Deputy Special Representative of the Secretary-General for the United Nations Assistance Mission for Iraq (UNAMI), accompanied by representatives of UNAMI and the United Nations country team. The Deputy Special Representative provided a comprehensive overview of key developments since the previous meeting and of progress and challenges in implementing commitments with regard to women and peace and security. She also affirmed that the protection and empowerment of women would remain a key priority for UNAMI.

Member States asked questions about strategies for increasing the participation of women in politics and decision-making, the Government's position on shelters, the proposed amendments to the Personal Status Law, efforts to abolish article 409 of the Iraqi Penal Code mitigating so-called "honour" killings, the remaining women and girls held in captivity by Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) and the lack of funding for the national action plan for the implementation of Security Council resolution 1325 (2000) on women and peace and security. They sought clarity on gender mainstreaming within UNAMI and on the recommendation by the external review team, pursuant to its recent assessment of the Mission, to integrate the women's protection unit into the Human Rights Office. Other questions were focused on civil society engagement in gathering evidence for the soon-to-be established investigative team to support efforts to hold ISIL (Da'esh) accountable for crimes carried out in Iraq, preparations for a second national action plan and the integration of gender issues in the recovery and resilience programme launched by the Secretary-General on 14 February 2018 at the Kuwait International Conference for the Reconstruction of Iraq. Several Member States advocated the inclusion of gender expertise as a required competence in the terms of reference of the investigative team on ISIL (Da'esh) crimes carried out in Iraq, and the strong inclusion of women and peace and security considerations in upcoming negotiations for the renewal of the Mission's mandate and in budgetary discussions in the Fifth Committee of the General Assembly.

Participants shared information about the political participation of women, the national action plan on women and peace and security, the prevention of and responses to conflict-related sexual violence and other human rights issues that affect women and girls especially, as well as the work of the Mission and the country team. For example, Iraq has made progress in advancing the political representation of women: a minimum of 25 per cent of elected legislative positions are reserved for women, and there are visible female politicians and civil society leaders at both the national and provincial levels. However, women remain underrepresented at all levels. There are only two women in the Council of Ministers, and the Independent High Electoral Commission leading the organization of the parliamentary elections in May did not include a single woman, in spite of sustained advocacy by the United Nations. The United Nations has been urging the appointment of more women to political leadership roles and their inclusion in negotiations for government formation

after the elections, whether through awareness-raising campaigns and technical workshops, through technical assistance and support provided to the gender team of the Electoral Commission or as part of interactions between the United Nations and the country's senior leaders. At the end of 2017, there was significant public protest led by women's civil society groups in opposition to amendments of the Personal Status Law that would infringe on the rights of women and girls, such as lowering the legal age for marriage or legalizing polygamy. To date, both women's groups and women Members of Parliament have been successful in blocking the adoption of these amendments, which are proposed from time to time. This situation shows the importance of the political participation and representation of women in safeguarding women's rights.

Since the previous meeting of the Informal Expert Group, the Government has accelerated its efforts to implement the national action plan by establishing a national coordination team chaired by the Secretary-General of the Council of Ministers and with high-level representation from both the federal Government and the Kurdistan Regional Government. Women's groups have collaborated with local authorities to develop and adopt local plans in Baghdad, Diyala, Anbar, Basrah and Diwaniyah Governorates. A formal report of results and achievements so far will be shared with the Security Council later in 2018, and national actors are working on the next iteration of the action plan. Both the current and the future plan were discussed at a recent conference hosted by the United Nations, at which the Prime Minister, Haider al-Abadi, gave a keynote speech focused on inclusion and pluralism. UNAMI and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) have recommended that the main coordination mechanism for the national action plan, namely, the cross-sector task force, be elevated to the ministerial level after the elections, which would increase the chances of budget allocations at a time when a lack of resources continues to hamper the implementation of both the national and the local plans.

The Special Representative of the Secretary-General on Sexual Violence in Conflict visited Iraq in March. During her visit, the implementation plan for the joint communiqué on the prevention of and response to conflict-related sexual violence was validated, and a Government-run shelter for survivors of gender-based violence was inaugurated in Baghdad, managed by the Ministry of Labour and Social Affairs and supported by the United Nations Population Fund. That was the first such shelter in Iraq outside the Kurdistan Region, where there are already three such shelters, and there are plans to build another four in other parts of Iraq, starting in Mosul. Non-governmental organizations (NGOs) have expressed concern about the draft guidelines for the functioning of the shelter because they require that survivors be referred by the national family court, which has previously been identified as an entry barrier. Important gaps in services for survivors remain, especially in long-term mental health, economic livelihood support and the protection of children born of rape. While survivors come from a wide range of communities, only a few religious leaders have condemned violence and shifted the stigma away from victims. Because many women and girls have been liberated from the control and custody of ISIL (Da'esh), the focus must shift to rehabilitation and reintegration and the need for support for women and children, as well as efforts to repair the social fabric and restore social cohesion. The rising tide of violent extremism and attacks on women's rights has been a topic of discussion for several years, but the waning of that tide would also leave women and children vulnerable to other forms of violence, including forced marriage, honour killings and multiple and intersecting stigmas, including the stigma of association with violent extremist groups and the targeting of ethnic and religious minorities through sexual violence in order to attack and alter group identities. The threat of reprisals, including honour crimes and other violence, can also prevent and inhibit the safe return of women and girls. Significant progress has

been made in establishing a monitoring framework to document sexual violence by all parties, but, even though the sexual violence crimes committed by ISIL (Da'esh) have been characterized as war crimes, crimes against humanity, genocide and terrorism, not one perpetrator has been held legally accountable as at the time of writing.

The Government and the United Nations recently agreed on terms of reference for the investigative team to support Iraqi domestic efforts to hold ISIL (Da'esh) accountable for war crimes, crimes against humanity and genocide, as called for by the Security Council in resolution 2379 (2017), and the Under-Secretary-General for Legal Affairs will visit Iraq with a legal team to advance the preparations for such a team. UN-Women has trained local NGOs to support them in their documentation efforts. It has also partnered with the Ministry of Justice to support justice professionals on gender-based violence cases. The United Nations Gender Task Force for Iraq and the country team will ensure that gender is mainstreamed throughout the investigative process.

At the time of writing, the gender advisory unit of UNAMI is part of the Office of the Special Representative of the Secretary-General, a structure that works well for UNAMI because it is the most effective for ensuring that gender is mainstreamed across the work of the Mission.

The recovery and resilience programme launched by the Secretary-General covers a two-year period and includes nine areas that deal with revitalizing communities, promoting sustainable returns, supporting survivors and promoting political participation and reconciliation. The country team is currently developing cross-cutting papers for the nine areas, one of them being gender equality. The team is fully aware that failing to address the reintegration of survivors of sexual and gender-based violence and the economic livelihoods of women would negatively affect reconstruction efforts.

In addition, UNAMI submitted a detailed mapping of gender expertise and gender balance in the Mission, as well as two updates — one on Yazidi women and girls in captivity and the other on article 409 of the Iraqi Penal Code, with regard to a defence plea of "honour" used to mitigate charges brought against males who had committed acts of murder and violence against women or family members. As at 1 April 2018, according to the Department of Yazidi Affairs, 3,154 Yazidis (1,471 women and 1,683 men) are still being held captive by ISIL (Da'esh). In addition, around 1,200 Turkmen Shi'a (including some 600 women and 250 children) are reported missing. It is impossible to tell how many of the victims are still alive. In spite of sustained lobbying and awareness campaigns by the United Nations and civil society groups, article 409 remains in force in Iraq, except in the Kurdistan Region, where it was repealed three years ago. According to the family and children protection unit within the Ministry of the Interior, in 2017 there were 272 cases of so-called "honour crimes" reported to the police and referred to the courts, an increase from the 224 cases reported to the police in 2016. In addition, there were approximately 3,400 cases of domestic violence reported to the police in 2017 (compared with 3,200 in 2016). In its published reports, UNAMI continues to recommend that the Government abolish article 409 and issue directives that require officials responsible for law enforcement and the administration of justice to promptly and impartially investigate all allegations of violence against women, in particular suspected "honour crimes", to ensure that perpetrators are held accountable. The UNAMI Human Rights Office has been working closely with stakeholders, notably civil society organizations, relevant Parliamentary Committees and government officials to promote a draft family protection law (anti-domestic violence bill), which includes measures to prevent sexual and gender-based violence and offer protection to

survivors, and to ensure the accountability of perpetrators of violence in compliance with international standards.

As the secretariat of the Informal Expert Group, UN-Women has announced that the Women's Peace and Humanitarian Fund would soon be used to fund activities in Iraq. The entity has also reminded members that the recommendations from previous meetings were still relevant and made some additional recommendations, which include the following:

- In upcoming resolutions on Iraq, the current language on gender equality and the rights of women and minorities should be maintained. In addition, the Security Council may wish to recommend that any language referring to the investigative team established pursuant to resolution 2379 (2017) should mention gender expertise and the targeting of women who do not conform to ascribed gender roles.

- The Council should continue to monitor the participation of women in decision-making in general, and in elections in particular, during the post-electoral period and government formation, national reconciliation and the national settlement initiative, including regarding the establishment of women's peace councils in the liberated areas, and any political dialogue between the Government and the Kurdistan Regional Government. The Council should support the use of temporary special measures to ensure a minimum level of representation for women in decision-making within political parties and in appointed government positions.

- The Co-Chairs should request further information on the integration of gender considerations in counter-terrorism efforts in Iraq and in the country's draft national strategy, as well as assistance from the United Nations in this regard, in the light of the recent visit to Iraq by the heads of the Office of Counter-Terrorism and the Counter-Terrorism Committee Executive Directorate.

- As a matter of crucial importance, particular attention should be paid to the economic recovery of women, taking into consideration the Secretary-General's commitment to allocate 15 per cent of all peacebuilding and recovery funds to gender and women's empowerment.

The Co-Chairs expressed thanks to those who had briefed the Informal Experts Group for their participation in the meeting. They also committed themselves to following up with the different actors to discuss which among them could take the lead in implementing the above-mentioned recommendations and urged all members to highlight those issues during the negotiations on the renewal of the Mission's mandate.